IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Confirmation No.: 2283

Cosatto et al. : Attorney Ref.: 2000-0042-CON

Serial No.: 10/662,550 : Art Unit: 2628

Filed: September 15, 2003 : Examiner: Daniel F. Hajnik

FOR: AUDIO-VISUAL SELECTION PROCESS FOR THE SYNTHESIS OF PHOTO-

REALISTIC TALKING-HEAD ANIMATIONS

AFFIDAVIT UNDER 37 CFR 1.131

Honorable Commissioner of Patents & Trademarks

Alexandria, VA 22314

Dear Sir:

- I, Wendy Koba, being duly sworn, depose and state:
- 1. I prepared, drafted, and filed patent application 2000-0042, now issued as U.S. patent 6,654,018, filed 29 March 2001. Application 2000-0042 is the parent of the above-identified patent application.
- 2. Exhibit #1 is a handwritten listing of projects I billed out between 12 June 2000 and 29 March 2001.
- 3. Exhibit #2 is a set of email correspondence between AT&T, Eric Cosatto, and me between April 2000 and March 2001.

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4. On 5 April 2000, I received a letter from Ann E. Taylor of the AT&T Intellectual Property group with instructions to prepare and file the application 2000-0042 within 6 months, or roughly by October 5, 2000. See Exhibit #2, page 2.

- 5. On 11 April 2000, I sent a letter to inventor Eric Cosatto acknowledging that the patent submission had been assigned to me. See Exhibit #2, page 3.
- 6. On 17 July 2000, I sent a letter to Eric Cosatto acknowledging a publication date of Eric Cosatto's paper on August 1, 2000. See Exhibit #2, page 4.
- 7. On 24 August 2000, Eric Cosatto wrote me an email requesting the status of the application. See Exhibit #2, page 4.
- 8. On 2 October 2000, I wrote an email to Eric Cosatto explaining that two "emergency" cases had taken priority over Eric Cosatto's application. See Exhibit #2, page 5.
- 9. On 8 November 2000, Eric Cosatto wrote me an email requesting a status update of the application; see Exhibit #2, page 5.
- 10. In mid-November 2000, my son was diagnosed with Type I diabetes. I spent several weeks attending to this matter.
- 11. In December 2000, AT&T "paced" filings in Dec. to hit a specific number.
- 12. On 2 March 2001, I wrote an email to Eric Cosatto with the application draft. See Exhibit #2, page 6.
- 13. Later on 2 March 2001, Eric Cosatto wrote me a letter with a revised version of the application draft. See Exhibit #2, page 7.

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14. On 14 March 2001, I sent Eric Cosatto an email including the application, drawings, and signature papers for filing the patent application. See Exhibit #2, page 8.

- 15. On 19 March 2001, Eric Cosatto wrote a letter to the other inventors with the final draft of the application. See Exhibit #2, page 9.
- On 26 March 2001, inventor Gerasimos Potamianos wrote an email to EricCosatto indicating that assignment papers were sent. See Exhibit #2, page 10.
- 17. On 29 March 2001, I wrote an email to Ann E. Taylor indicating that application was filed. See Exhibit #2, page 11. The application was filed 29 March 2001 and assigned Appl. No. 09/820,396.

All the statements made herein are true and are made on information believed to be true; and further these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wendy W. Tolks. No. 3050° Reg. No. 3050°

15 May 2009

Date

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EXHIBIT #1

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Art Unit: 2628

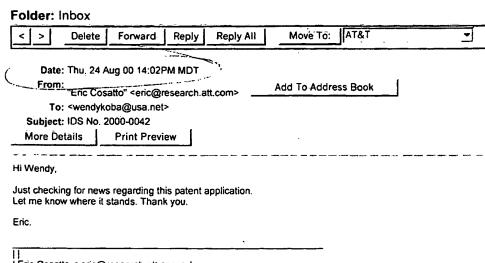
EXHIBIT #2

Art Unit: 2628

Docket No.: 2000-0042-CON

Message.Read

Page I of 2



| Eric Cosatto < eric@research.att.com > | | AT&T Labs - Research | | Image Processing Software & Technology Research Dept. | | Room 3-124, Red Bank, NJ 07701-7033, USA | | Tel: ++1 (732) 345 3337; Fax: ++1 (732) 345 3032 | | WW: http://www.research.att.com/info/eric |

2, July 17, 2000

The answer is "yes" -- thanks for letting me know. Usually, if it's a "rush" that info's included on what Tom sends me -- I sure he did and I just didn't realize it. I'll read it over this AM and see if I can get a "rea" patent together by the end of the week for you to We can always file a provisional before the publication date, but it's not my preferred way to work. Wendy "Eric Cosatto" <eric@research.att.com> wrote: Hi Wendy, I got word from Tom Restaino that the patent "Audio-Visual Unit Selection For Concatenative Synthesis Of Talking Head Animations (IDS No. 2000-0042) was sent to you for filing. The publication date is August 1st. Do we need to have

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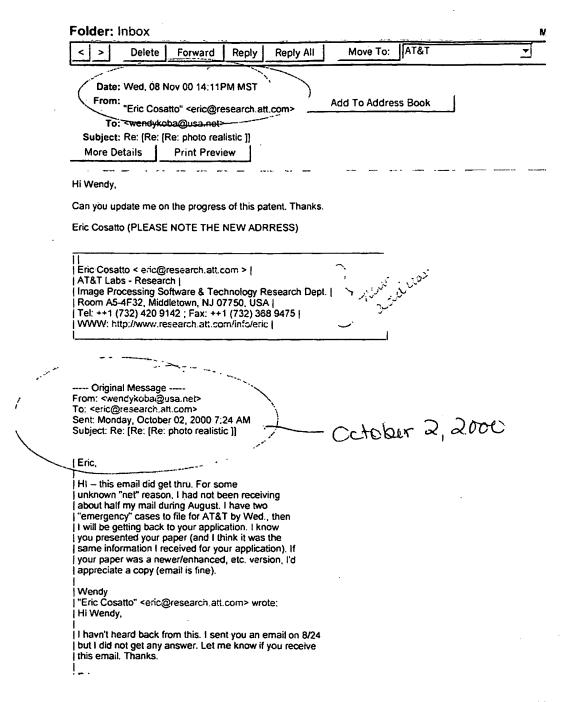
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Art Unit: 2628

Docket No.: 2000-0042-CON

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Page 1 of 3



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Art Unit: 2628

Docket No.: 2000-0042-CON

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Page 2 of 2

| Eric Cosatto < eric@research.att.com > | | AT&T Labs-Research, Room A5-4F32 | | >------| Middletown, NJ 07748, USA

Tel: ++1 (732) 420 9142 ; Fax: ++1 (732) 368 9475 | WWW: http://www.research.att.com/info/eric |

---- Original Message ----From: <wendykoba@usa.net> To: <eric@research.att.com> Sent: Friday, March 02, 2001 9:32 AM Subject: Photo-realistic patent draft

March 2,2001

Eric,

attached please find a draft, including claims, for your application.

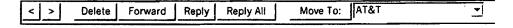
please review and forward comments to me in the easiest manner for you — email is fine, and so is fax (fax # 610-346-8189).

thanks

Wendy

Get free email and a permanent address at http://www.netaddress.com/?N=1

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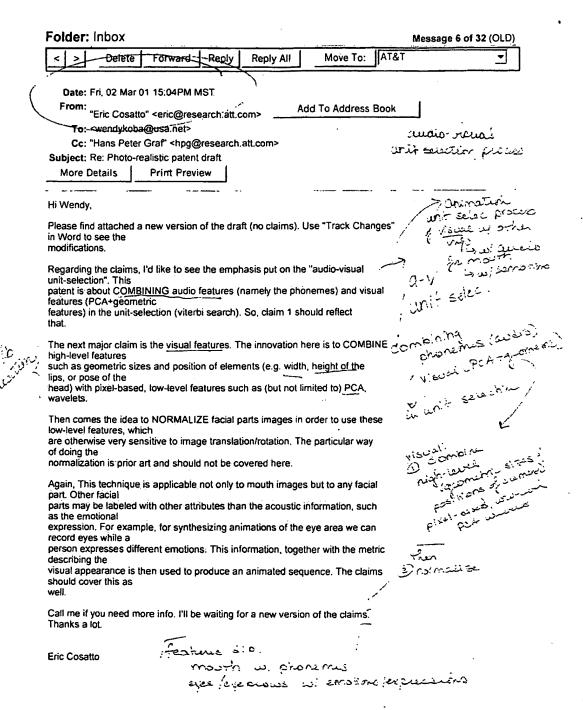
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3/5/01

Art Unit: 2628

Wendy W. Koba

Patents, Trademarks, & Copyrights
P.O. Box 556

Springtown, PA 18081

Courier Address: Wendy W. Koba, Esq. 540 Summit Lane Riegelsville, PA 18077 Telephone: 610-346-7112 Facsimile: 610-346-8189 Email: wendykoba@usa.net

Wednesday, March 14, 2001

Eric Cosatto
AT&T Corp.
Room A5-4F32
200 Laurel Avenue
Middletown, New Jersey 07750

Re: Cosano 2000-0042 "Audio-Visual Selection Process for the Synthesis of Photo-

Realistic Talking-Head Animation

Dear Eric:

Enclosed are the formal papers (the "Assignment" and "Declaration") for you to "sign-off" on. You will need to get in touch with Hans Graf to make an appointment to sign the paperwork. I have enclosed a priority mailer for you to send the signed paperwork back to me. I have mailed copies of the formal paperwork directly to Gerasimos Potamianos and also Juergen Schroeter.

If you are satisfied with the application and drawings, please contact someone in the IP-Law group to make an appointment to "sign off" on the paperwork.

Please do not sign anything before meeting with someone there, since the Assignment <u>must</u> be notarized (the secretaries in the patent group are notaries).

If you have any questions, please do not hesitate to give me a call or send me an e-mail message.

Sincerely,

Wendy W. Koba

Enclosed:

Assignment and Agreement

Declaration and Power of Attorney

Art Unit: 2628

Docket No.: 2000-0042-CON

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Page 1 of 1

Folder: Inbox					Me	ssage 3 of 68 (NEW)
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Date: Mon, 19 Mar 0 From: "Eric Cosatto" To: "Wendy Koba" Cc: "Hans Peter G <jsh@researc! audio-visua="" subject:="" talking-hea<="" td=""><td><pre>ceric@resea " <wendykob <hpg@r="" foraf"="" h.att.com="">, " AL SELECTIC AD ANIMATI Print Previe</wendykob></pre></td><td>MST arch.att.cc a@usa.ne esearch.a Makis Po ON PROCONS w</td><td>om>/ et> att.com>, "Jui tamianos" <g cess="" for="" td="" ti<=""><td>Add To Address ergen Schroeter* potam@us.ibm. HE SYNTHESIS</td><td>Book com> OF PHOTO</td><td>REALISTIC</td></g></td></jsh@researc!>	<pre>ceric@resea " <wendykob <hpg@r="" foraf"="" h.att.com="">, " AL SELECTIC AD ANIMATI Print Previe</wendykob></pre>	MST arch.att.cc a@usa.ne esearch.a Makis Po ON PROCONS w	om>/ et> att.com>, "Jui tamianos" <g cess="" for="" td="" ti<=""><td>Add To Address ergen Schroeter* potam@us.ibm. HE SYNTHESIS</td><td>Book com> OF PHOTO</td><td>REALISTIC</td></g>	Add To Address ergen Schroeter* potam@us.ibm. HE SYNTHESIS	Book com> OF PHOTO	REALISTIC
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Art Unit: 2628

Docket No.: 2000-0042-CON

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Eric Cosatto.

Page I of I

Folder: Inbox Message 2 of 39 (OLD) AT&T Delete Forward Reply Reply All Move To: Date: Mon, 26 Mar 01 17:16PM MST From: "Gerasimos Potamianos" <gpotam@us.ibm.com> Add To Address Book To: "Eric Cosatto" <eric@research.att.com> Cc: wendykoba@usa.net, jsh@research.att.com, hpg@research.att.com Subject: Re: AUDIO-VISUAL SELECTION PROCESS FOR THE SYNTHESIS OF PHOTO-REALISTIC TALKING-HEAD ANIMATIONS More Details **Print Preview** Hi Eric, the patent document looks really good. I already sent out the assignment papers to the lawyer. Best regards, -Makis "Eric Cosatto" <eric@research.att.com> on 03/19/2001 07:01:00 PM To: "Wendy Koba" <wendykoba@usa.net> cc: "Hans Peter Graf" <hpg@research.att.com>, "Juergen Schroeter" <jsh@research.att.com>, Gerasimos Potamianos/Watson/IBM@IBMUS Subject: AUDIO-VISUAL SELECTION PROCESS FOR THE SYNTHESIS OF PHÓTO-REALISTIC TALKING-HEAD ANIMATIONS Hi All, Here's the final draft for the patent. You should be receiving the

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papers from Wendy Koba. Many thanks for your contributions.

3/27/01

Docket No.: 2000-0042-CON Application/Control Number: 10/662,550

Art Unit: 2628

WENDY W. KOBA, ESQ. Patents, Trademarks & Copyrights P.O. BOX 556 SPRINGTOWN, PA 18081

Telephone: 610-346-7112 Facsimile: 610-346-8189 E-mail: wendykoba@usa.net

Thursday, March 29, 2001

Ann E. Taylor Outside Counsel Coordinator AT&T Corp. P.O. Box 4110 Middletown, NJ 07748

Re: Cosatto 2000-0042 "Audio-Visual Selection Process for the Synthesis of

Photo-Realistic Talking-Head Animations"

My reference: ATT-0186

Dear Ann:

In accordance with your Outside Counsel Guidelines, enclosed please find a copy of the above-identified direct-managed application. This case was filed in the USPTO on March 29, 2001.

Sincerely,

Wendy W. Koba

Enclosures: Specification & Claims

Drawings (2 sheets)

Declaration & Associate Power of Attorney

Assignment & Agreement

Assignment Recordation Cover Sheet

Request for Non-Publication

Disk (2000.0042doc)

Art Unit: 2628

New Disclosure Information F6 1

Client/Division ATT Labs
Managing Attorney
Working Attorney
(If Working Attorney field is blank, use Managing Attorney)
AT&T Case AT&T Managed Case* Direct-Managed Case* *OC case - If undecided at the time of opening disclosure, leave blank
OC Firm / OC Attorney Wendy Koba (when approved for filing)
When approved to thing!
(Note: Unless the disclosure is already in the hands of an outside counsel firm, do NOT enter O/C Firm into the disclosure record until the disclosure is approved for filing by IPRT and sent to OC).
This the disclosure record with the disclosure is approved to thing by it is and sell to ocy.
IPR Team: WW
IPRT Technologies: (Primary Technology must match Team)
Primary 3
Secondary 2
Tertiary
Ready for IPR Team Review Yes (Insert ITR date in Actions tab) No - Date Ready (Insert ITR date in Actions tab)
Owner/Assignee: LAT&T Corp.
AT&T Wireless Services, Inc AWS or STG No. (Note: Call Ruby Tarr (425-702-3948) to obtain an AWS or STG number for all AT&T Wireless Services cases - Insert AWS/STG Number in Tech./Other #s tab)
∏AT&T/
(Company or University sharing rights with AT&T)
Please provide the following information or supply it as an attachment to this form: Title pel attached Brief Description pel attached Extrao 2 and 3 of full forms Inventors for attached
Deadline Date (if any)
Optional Information to be provided:
Keywords: (Submit BEEF if not already in database) tacial animation, talking heads, Sumple based image
Government Contract Number, if any: Agrillies, Computer vision, TTS
Optional Information to be provided: Keywords: (Submit BEEF if not already in database) Keywords: (Submit BEEF if not al
Job Aid - PT1 Revised 11/07/1999

Art Unit: 2628

Docket No.: 2000-0042-CON



Ann E. Taylor Intellectual Property - Law Room E4-3B12 200 S. Laurel Avenue Middletown, NJ 07748 U.S.A. PHONE (732) 420-5622 FAX (732) 388-6932 Email: aetaylor@lga.att.com

April 5, 2000

Wendy W. Koba, Esq. P.O. Box 556 Springtown, PA 18081

Dear Wendy:

RE:

Docket No. 2000-0042

Title: "Audio-Visual Unit Selection For The Synthesis Of

Photo-Realistic Talking Heads"

Submitters: E. Cosatto; H. P. Graf; G. Potamianos; J. Schroeter

The above-identified submission has been approved for filing as a direct-managed case. Please prepare and file the formal application within the next six months and proceed with its subsequent prosecution as you deem best suited to protect AT&T's interests in this invention. The assignee is AT&T Corp. There will be no foreign filing of this application.

Enclosed are copies of the disclosure material from our folder and a list of work and home addresses for each of the inventors. Please make your initial contact with the inventors in the next two weeks. Please confirm the proper inventorship of this invention.

Relevant art determined by an electronic prior art search (less than one hour) should be identified for filing with the application.

Should questions arise requiring AT&T attorney input, please call the AT&T contact attorney, Thomas Restaino, at 908-221-5720. For instance, please contact Tom with your recommendation if a Final Rejection is received, has been discussed with the inventors, and an Examiner Interview is unsuccessful in resolving any remaining problems.

Please acknowledge receipt by signing and faxing this sheet to me at 732-368-6932.

Received and acknowledged: Massi Chatrack Date: 7.0.35
Reference No.: 477-0.50

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Art Unit: 2628

Wendy W. Koba Patents, Trademarks, & Copyrights P.O. Box 556 Springtown, PA 18081

Courier Address: Wendy W. Koba, Esq. 540 Summit Lane Riegelsville, PA 18077 Telephone: 610-346-7112 Facsimile: 610-346-8189 Email: wendykoba@usa.net

Tuesday, April 11, 2000

Eric Cosatto
AT&T Corp.
Room 3-124
100 Schultz Drive

Red Bank, New Jersey 07701

Re: IDS No. 2000-0042

Title: "Audio-Visual Unit Selection For The Synthesis Of Photo-Realistic Talking

Heads."

Dear Eric:

The above-referenced patent submission has been sent to me to prepare. I will be contacting you soon if I need additional information to formulate a first draft.

If you have any additional information on this submission beyond what you have sent to the IP-Law group, please let me know.

Feel free to contact me at the above number or e-mail me if you have any questions.

Sincerely,

Wendy W. Koba